

HOUSE BILL 1217
By Jones S

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 7, relative to the protection of statewide resources.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, is amended by adding sections 2 through 8 of this act as a new part.

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "council" means the statewide resources protection council as established in this act.

(2) "statewide resource" means, any:

(A) national park;

(B) state park, whether classified as a recreational area, natural area or historical area;

(C) national natural landmark;

(D) national historic landmark;

(E) state-owned real property listed or eligible for listing on the national register of historic places;

(F) national fish and wildlife refuge;

- (G) state-owned real property managed as a wildlife management area;
- (H) state forest;
- (I) state-owned real property designated as part of a state scenic river; or
- (J) state-owned real property designated as a state scenic trail.

SECTION 3. It is hereby declared to be state policy that as the general assembly has granted certain powers to control land use, through the enacting of zoning ordinances, rules and regulations and through the promulgation of comprehensive plans to local governments and other authorities, the state has an interest in assuring that these powers are utilized so as to protect statewide resources for the benefit of all the people. In the absence of the proper exercise of such authority by local governments, state action is necessary in order to assure the protection of these statewide resources to avoid unnecessary expenditures on the part of the state and to protect these state assets.

SECTION 4. There is created a council to be known as the Statewide Resources Protection Council. This council shall consist of the following persons acting in their official capacities: the commissioner of conservation and environment, the commissioner of economic and community development, the executive director of Tennessee wildlife resources agency and the executive director of the Tennessee state planning office who shall serve as chairman and provide administrative support for the council. Any member may appoint a designee to act on such member's behalf in matters concerning this council. This council shall have the authority to promulgate such rules and regulations as are necessary to regulate its affairs and to effectuate the purposes of this act in accordance with title 4, chapter 5.

SECTION 5. Upon the effective date of regulations promulgated pursuant to this act, counties, municipalities, regional planning commissions or other authorities which have in effect a zoning ordinance or which have in effect subdivision regulations, will have a period of one (1) year to seek and to obtain certification from the council that such zoning ordinance or subdivision regulations do adequately protect statewide resources.

SECTION 6. There shall be a protection area recognized as surrounding any statewide resource, which may not be in excess of eight hundred (800) yards from the boundary of that statewide resource. This protective area may be a lesser area if such area is deemed to be adequate to protect a statewide resource by the council; provided, however, that it is not the intention of this designation to create an area within which all land use or development and land use is compatible with the statewide resources.

SECTION 7. In the case that municipalities, counties, regional planning commissions or other authorities which have in effect a zoning ordinance or which have subdivision regulations, fail to obtain or maintain certification that these ordinances and regulations do adequately protect statewide resources as required by this act, and where such statewide resources do exist within the jurisdiction of such body, the council may then require the review and approval by the council of any change in land use proposed to occur within the protective area of a statewide resource.

SECTION 8. In the case that a statewide resource and its protective area lie, in whole or in part, outside the jurisdiction of a local planning agency or other body exercising zoning regulations or subdivision regulations, then, with respect to those parts lying outside such jurisdiction, the council shall have the same power to regulate land use within that protective area as would a local planning commission. The council may promulgate and enforce zoning regulations or subdivision regulations for such protective area. In the case that a local planning body later obtains certification from the council that its zoning ordinance and subdivision regulations adequately protect statewide resources, then such local ordinances or regulations shall take precedence over those of the council.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.